

UNITED STATES DISTRICT COURT

for the
District of South DakotaIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)A blue Chevrolet Avalanche, VIN
3GNEK12Z16G165262, registered to Robert Little.

Case No. 5:19-mj-82

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A

located in the _____ District of _____ South Dakota _____, there is now concealed (identify the person or describe the property to be seized):

See Attachment A

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

18 U.S.C. §§ 2241(a)(1) and 1153 Aggravated Sexual Assault by Force

18 U.S.C. §§ 113(a)(6) and 1153 Assault Resulting in Serious Bodily Injury

18 U.S.C. §§ 113(a)(8) and 1153 Assault by Strangulation of a Dating Partner

The application is based on these facts:

☒ Continued on the attached sheet.☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

FBI SA Christopher Reinke

Printed name and title

Sworn to before me and signed in my presence.

Date: 7-26-19



Judge's signature

City and state: Rapid City, SD

Daneta Wollmann, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

IN THE MATTER OF THE SEARCH
OF:
A blue Chevrolet Avalanche, VIN
3GNEK12Z16G165262, registered to
Robert Little;

Case No. 5:19-mj-82

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

State of South Dakota)
) ss
County of Pennington)

I, Christopher W. Reinke, Special Agent of the Federal Bureau of Investigation being duly sworn, states as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI), Rapid City Resident Agent, Rapid City, South Dakota. I have been employed as a SA with the FBI since October 2014. Prior to being stationed in Rapid City, I worked on a counter-terrorism squad in the FBI's San Francisco Field Office, San Jose Resident Agency, where I conducted terrorism investigations, which involved the use of social medial accounts, encrypted messaging platforms, and other means of online communication and information dissemination. I have been involved in investigating various federal crimes, including violations of Aggravated Sexual Assault by Force, in violation of 18 U.S.C. §§ 2241(a)(1) and 1153, Assault Resulting in Serious Bodily Injury, in violation of 18 U.S.C. §§

113(a)(6) and 1153, and Assault by Strangulation of a Dating Partner, in violation of 18 U.S.C. §§ 113(a)(8) and 1153.

2. The information set forth below is based upon my knowledge of an investigation conducted by the Federal Bureau of Investigation, the Bureau of Indian Affairs, the Oglala Sioux Tribe Department of Public Safety, the Rapid City Police Department, and other law enforcement agencies. I have not included each and every fact obtained pursuant to this investigation, but have set forth those facts that I believe are essential to establish the necessary probable cause for the issuance of the search warrant.

3. I make this affidavit in support of an application for a search warrant for the search and seizure of property described herein as a blue Chevrolet Avalanche, VIN 3GNEK12Z16G165262, registered to Robert Little, currently located at the BIA impound garage at the BIA Justice Center in Pine Ridge, South Dakota, for evidence of crimes including but not limited to Aggravated Sexual Assault by Force, in violation of 18 U.S.C. §§ 2241(a)(1) and 1153, Assault Resulting in Serious Bodily Injury, in violation of 18 U.S.C. §§ 113(a)(6) and 1153, and Assault by Strangulation of a Dating Partner, in violation of 18 U.S.C. §§ 113(a)(8) and 1153.

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses. This affidavit is intended to show merely that there is sufficient

probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

5. On or about July 25, 2019, your affiant and other federal law enforcement officers obtained and executed a search warrant issued by United States Magistrate Judge Daneta Wollmann, to include seizure and search of the blue Chevrolet Avalanche registered to Robert Little.

6. On July 25, 2019, the blue Chevrolet Avalanche registered to Robert Little and described in the previous warrant application as having VIN 3GNEK12A16G165262 was located on the property of Mike Sierra in Oglala, South Dakota.

7. Prior to searching the vehicle, officers checked the vehicle's VIN against the VIN listed in the original search warrant. The VIN listed in the original warrant was 3GNEK12A16G165262. The correct VIN, and the VIN on the blue Chevrolet Avalanche located on the property of Mike Sierra, is 3GNEK12Z16G165262.

8. Law enforcement officers seized the blue Chevrolet Avalanche registered to Robert Little and had it towed by Tow Pros to the BIA impound garage at the BIA Justice Center in Pine Ridge, South Dakota. No search has been conducted of the vehicle, pending the issuance of the warrant requested herein.

PROBABLE CAUSE

9. On or about July 14, 2019, the Rapid City Police Department took a missing person report from Victoria Habben, who reported her friend Esther Wolfe was missing. Esther Wolfe was last seen on July 13, 2019. Ms. Habben reported last

seeing Esther Wolfe at the Hilton Garden Inn, Esther's place of employment, on July 13, 2019. Ms. Habben had concerns due to her knowledge that Esther was previously the victim of domestic violence in her relationship with Jesse Sierra.

10. Your affiant is aware that Esther Wolfe and Jesse Sierra shared an intimate dating relationship in which Esther previously suffered domestic abuse at Jesse Sierra's hand.

11. Efforts by Rapid City Police Department included interviews of Esther Wolfe's friends who advised Rapid City Police Detectives that Esther Wolfe was aware Jesse Sierra was being released from jail in Colorado and she was afraid of Jesse Sierra's return.

12. Your affiant learned that Rapid City Police Department received information from the Oglala Sioux Tribe Department of Public Safety that a blue Chevrolet Avalanche was located at Michael Sierra's residence. Michael Sierra is Jesse Sierra's father who lives in Oglala, South Dakota. Rapid City Police Department believe this blue Chevrolet Avalanche was linked with Esther Wolfe's disappearance. The vehicle is registered to Robert Little. Robert Little reported that while the vehicle had previously been his, he gave the vehicle to Mike Sierra in exchange for helping Robert Little get the vehicle out of an impound lot. Robert Little reported that Esther Wolfe and Jesse Sierra previously operated that vehicle and Esther continued driving that vehicle while Jesse Sierra was incarcerated in Colorado.

13. Your affiant is aware that on July 16, 2019, Rapid City Police Department received a call from an individual who identified himself as Michael Sierra. This individual indicated he had heard Esther was seen with Jesse in the previous week. He denied seeing them personally. He also stated he lives in Oglala, South Dakota, and that law enforcement had already been to their residence searching for Esther. Upon further investigation, Rapid City Police Department believes this call actually came from Dustin Sierra, the brother of Jesse Sierra, who lives in Oglala, South Dakota, near Michael Sierra, Sr. The number this individual provided is the same number which Michael Sierra, Jr., provided as the contact information to reach Dustin Sierra in an interview with Rapid City Police on July 18, 2019.

14. On July 17, 2019, Rapid City Police Department received a phone call from Esther Wolfe who stated she was on the way to Chadron, Nebraska, with her fiancée. She denied being in danger. The call was placed from a phone number belonging to Louella Youngman.

15. On July 18, 2019, Rapid City Police Department Sergeant Christopher Hunt called the same phone number and spoke with Louella Youngman, Jesse Sierra's mother. She confirmed Jesse Sierra and Esther Wolfe were at her property, but said they went to Chadron with an unknown individual in an unknown vehicle.

16. On July 18, 2019, Rapid City Police Department made contact with Eugene Giago who advised he received a SnapChat message from Esther Wolfe

early on July 16, 2019, which read, "no, I'm good." Giago advised he did not believe this message would be from Esther.

17. On July 18, 2019, the Rapid City Police Department made contact with Michael Sierra, Jr., a brother of Jesse Sierra. Michael Sierra, Jr., denied Jesse Sierra and Esther Wolfe visited his home in Chadron, Nebraska. He advised the last person Jesse Sierra and Esther Wolfe were with was Dustin Sierra, another brother of Jesse. Dustin Sierra lives in Oglala, South Dakota, in the Lakeside Community.

18. Esther Wolfe was missing from July 13, 2019, until she was recovered at the hospital in Chadron, Nebraska, on July 21, 2019. She presented to the emergency department with severe bruising to her face and body. She suffered broken ribs and a fracture to her mandible. Both eyes were swollen, and her sclera were bright red and inflamed. She exhibited bruising and redness to her neck and collar. She was released from the hospital late on July 21, 2019, with instructions to care for her injuries. Prior to her release, she submitted to a Sexual Assault Nurse Examination (SANE).

19. Your affiant is aware that on July 22, 2019, law enforcement officers interviewed Esther Wolfe. Esther Wolfe advised she first saw Jesse Sierra on July 13, 2019. She advised Jesse came to the Hilton Garden Inn during her work shift. She did not want to be with him, but he persisted in asking when she would be free from work. Esther Wolfe advised Jesse Sierra exposed his penis to her in an

elevator and told her, "You know you want this." Despite her attempts to evade Jesse Sierra, he advised her he would not leave.

20. Jesse Sierra convinced Esther Wolfe that he merely wanted to share a meal with her. She conceded and agreed to eat with him at the Golden Corral restaurant in Rapid City. Afterward, they went to the 24/7 Program in Rapid City. Esther Wolfe advised that at the 24/7 Program, Esther began walking. Jesse Sierra offered to give her a ride from the 24/7 Program with his brother, Dustin Sierra, in what she believed was a white Chevrolet Traverse.

21. As Dustin Sierra drove, he headed east from the 24/7 Program, in a direction away from Esther's anticipated destination. Esther Wolfe asked Jesse Sierra where they were going. Jesse Sierra placed his arm around her throat and told her they were going to the reservation. She attempted to open the door and flee the moving vehicle, but Jesse Sierra prevented her flight. Dustin Sierra did not stop the vehicle or otherwise aid Esther Wolfe.

22. In Dustin Sierra's vehicle, Jesse Sierra repeatedly strangled Esther Wolfe to unconsciousness. He continued strangling her every time she regained consciousness until they arrived to the Pine Ridge Reservation.

23. Your affiant is aware Esther Wolfe was not free to leave at this time, and she was not permitted to leave at any time. She advised that occasionally Jesse Sierra said he would give her "a chance to walk away alive." She advised Dustin Sierra would not assist during this assault.

24. Esther Wolfe advised she was initially taken to Oglala, South Dakota, by Dustin Sierra and Jesse Sierra, to Dustin Sierra's residence for a night. During that night, Jesse Sierra forcibly sexually assaulted Esther Wolfe. She advised Jesse Sierra repeatedly struck her in the face and kicked her. She lost consciousness multiple times through the evening while being assaulted by Jesse Sierra and lost control of her bladder twice in the bed where she was being held. She believes she heard Jesse and Dustin Sierra discuss that law enforcement was next door, but she did not see law enforcement officers.

25. Around this time, Esther Wolfe said she was "tested" by Jesse and Dustin Sierra. Jesse and Dustin Sierra advised law enforcement was in front of the residence. Esther fled out the back door and ran to the front, but the only person there was Jesse Sierra. Jesse Sierra sat in the blue Chevrolet Avalanche waiting for her. He asked her if she wanted him to "sit years," which your affiant believes is a reference to the jail sentence he believed he would receive regarding his kidnapping of Esther Wolfe. He also made a comment about killing her for failing this "test." Esther Wolfe advised Jesse Sierra placed her in the blue Chevrolet Avalanche.

26. While in the blue Chevrolet Avalanche, Esther Wolfe spit blood from the assault into tissues or napkins in the vehicle and placed those bloody tissues in a cigarette box. She advised the cigarette box would likely still be in the vehicle.

27. Jesse Sierra transported Esther Wolfe in the blue Chevrolet Avalanche to Mike Sierra's residence, where she was held by Jesse Sierra in a camper located

on the property. There, Jesse Sierra assaulted her to the point that both of her eyes were swollen shut. Jesse Sierra also sexually assaulted Esther Wolfe during this assault. Jesse Sierra bound her wrists with Christmas lights and placed her in a confined portion of the camper. Jesse Sierra confined her in the space with boards and nails while he went to sleep. She broke a board in this confined space trying to breathe.

28. Esther Wolfe advised she believes her blue work smock and her black size 6 Converse shoes may still be in the camper.

29. Esther Wolfe believed the blue Chevrolet Avalanche would still be located on Mike Sierra's property.

30. When Jesse Sierra returned, he asked Esther Wolfe, "Are you ready to die?" Jesse Sierra forced Esther Wolfe to walk through the garden on Mike Sierra's property in Oglala, South Dakota. Jesse Sierra dug a shallow grave and forced her to get into the grave. Jesse Sierra advised her that he did not have to kill her yet, that the two could work it out, and that she must call law enforcement and advise them that she was not missing nor was she in danger. Esther Wolfe confirmed that she in fact called Rapid City Police Department dispatch following this event and reported her status as being safe and not missing.

31. Esther Wolfe believed that after leaving Dustin Sierra's residence, Jesse Sierra brought her to a blue abandoned house near Louella Youngman's residence. Esther Wolfe indicated that Louella Youngman had seen them and knew where she was. Esther Wolfe advised she had her niece's phone at this abandoned

residence. She placed the phone in the trash. She described it as a black Android phone with an Apple sticker on the back. There is no phone number associated with this cell phone. She believes the phone is likely still in the abandoned residence.

32. Esther Wolfe confirmed her call to dispatch was placed from Louella Youngman's phone. Esther Wolfe advised Dustin Sierra picked them up from Louella Youngman's residence and they were on their way to Chadron, Nebraska when she placed the call. Jesse Sierra and she proceeded to the residence of Michael Sierra, Jr. Along the way, Jesse Sierra told her if she made "all this go away" he would "make her life better." Jesse Sierra pressured her to tell law enforcement she received her injuries by being "ganged" by a group of men. Your affiant knows that to be "ganged" is colloquial term for being assaulted.

33. Esther Wolfe and Jesse Sierra arrived in Crawford, Nebraska, where an individual named "Franklin" got them a motel room. Michael Sierra, Jr., dropped them off at the motel in Crawford. At the motel, Jesse did not physically assault her. Esther Wolfe advised that Jesse Sierra wanted her to heal so she could speak to law enforcement about "being ganged." Jesse Sierra did sexually assault her multiple many times in the motel room. She indicated during these sexual assaults she did not try to fight him off anymore because it was "too hard."

34. Esther Wolfe advised that Michael Sierra, Jr., and Jesse Sierra dropped her off at the Chadron hospital due to the extent of her injuries. Tyla Sierra assisted Esther Wolfe through the hospital where she called family.

35. Esther Wolfe advised that Jesse Sierra was the author of messages sent to Tahney Habben, a relative, on her Facebook account.

36. Your affiant is aware that Jesse Sierra is an enrolled member of the Oglala Sioux Tribe.

37. Your affiant is aware that DNA evidence could be obtained by an analysis of items seized including discarded tissues in the blue Chevrolet Avalanche. Further, based upon your affiant's training and experience, your affiant is aware that evidence in the form of deoxyribonucleic acid (DNA) is contained in the head hair, skin, semen, blood, and saliva in human bodies. Saliva and other substances can be used to determine the identity of DNA found on items of evidentiary value.

38. On or about July 25, 2019, your affiant and other federal law enforcement officers obtained and executed a search warrant issued by United States Magistrate Judge Daneta Wollmann, to include seizure and search of the blue Chevrolet Avalanche registered to Robert Little. The blue Chevrolet Avalanche was located on the property of Mike Sierra.

39. Prior to searching the vehicle, officers checked the vehicle's VIN against the VIN listed in the original search warrant. The VIN listed in the original warrant was 3GNEK12A16G165262. The correct VIN is 3GNEK12Z16G165262.

40. Law enforcement officers seized the blue Chevrolet Avalanche registered to Robert Little and had it towed by Tow Pros to the BIA impound garage

at the BIA Justice Center in Pine Ridge, South Dakota. No search has been conducted of the vehicle, pending the issuance of the warrant requested herein.

CONCLUSION

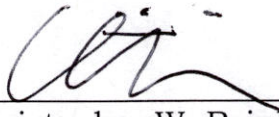
41. Based on the forgoing, I request that the Court issue the proposed search warrant.

42. I request that the Court order sealing this case until further order of the Court. The documents filed in the case discuss an ongoing criminal investigation that is neither public nor known to all the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may give targets an opportunity to destroy or tamper with evidence, change patterns of behavior, notify confederates, or otherwise seriously jeopardize the investigation

43. Based on the foregoing, I submit there is probable cause to believe that evidence of a crime including DNA evidence of the victim, Esther Wolfe, may be found in a blue Chevrolet Avalanche, VIN 3GNEK12Z16G165262, registered to Robert Little and operated by Jesse Sierra. I submit there is probable cause to believe that evidence of Aggravated Sexual Assault by Force, in violation of 18 U.S.C. §§ 2241(a)(1) and 1153, Assault Resulting in Serious Bodily Injury, in violation of 18 U.S.C. §§ 113(a)(6) and 1153, and Assault by Strangulation of a Dating Partner, in violation of 18 U.S.C. §§ 113(a)(8) and 1153, has occurred and


I request a search warrant be issued authorizing the search and seizure of the item described in Attachment A.

Dated: 7/26/2019



Christopher W. Reinke
Special Agent,
Federal Bureau of Investigation

SUBSCRIBED and SWORN via reliable electronic communication
this 26th day of July, 2019.



DANETA WOLLMANN
United States Magistrate Judge

[Handwritten signature]

ATTACHMENT A
ITEMS TO BE SEIZED

1. Evidence of biological matter in a blue Chevrolet Avalanche, VIN 3GNEK12Z16G165262, registered to Robert Little.

UNITED STATES DISTRICT COURT

for the
District of South Dakota

In the Matter of the Search of

(Briefly describe the property to be searched

or identify the person by name and address)

A blue Chevrolet Avalanche, VIN 3GNEK12Z16G165262, registered to Robert Little.

Case No. 5:19-mj-82

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of _____ South Dakota
(identify the person or describe the property to be searched and give its location):

A blue Chevrolet Avalanche, VIN 3GNEK12Z16G165262, registered to Robert Little.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

Evidence of a crimes of Aggravated Sexual Assault by Force, in violation of 18 U.S.C. §§ 2241(a)(1) and 1153, Assault Resulting in Serious Bodily Injury, in violation of 18 U.S.C. §§ 113(a)(6) and 1153, and Assault by Strangulation of a Dating Partner, in violation of 18 U.S.C. §§ 113(a)(8) and 1153, as outline in the affidavit in support of the search warrant, which is incorporated herein by this reference.

I find that the affidavit, or any recorded testimony, establishes probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before August 9, 2019 (not to exceed 14 days)

☐ in the daytime 6:00 a.m. to 10:00 p.m. ☒ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to Daneta Wollmann
(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

☐ for _____ days (not to exceed 30) ☐ until, the facts justifying, the later specific date of _____

Date and time issued:

7-26-19 2:45pm


Judge's signature

City and state:

Rapid City, SD

Daneta Wollmann, U.S. Magistrate Judge

Printed name and title

Co AUSA Sazama + Agent

AO 93 (Rev. 11/13) Search and Seizure Warrant (Page 2)

Return

Case No.:

5:19-mj-82

Date and time warrant executed:

Copy of warrant and inventory left with:

Inventory made in the presence of :

Inventory of the property taken and name of any person(s) seized:

Certification

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: _____

*Executing officer's signature*_____
Printed name and title